

FILED 08 NOV 20 11:06 USDC-ORP

IN THE UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF OREGON

JODI STONE,

Plaintiff,

vs.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant

Civil No. 3:07-CV-1771-HA

ORDER FOR REMAND

Based on the stipulation of the parties, it is hereby ORDERED that the above-captioned case be REVERSED and REMANDED for further administrative proceedings. On remand, the Administrative Law Judge will hold a new hearing and issue a new decision. The ALJ will:

- Hold a de novo hearing.
- Further consider Plaintiff's work after onset, including developing the record regarding the posted earnings, and determine whether the work after onset was substantial gainful activity, in accordance with 20 C.F.R. §§ 404.1572, 416.972.
- Evaluate all of Plaintiff's impairments at the second step of the sequential process, including Plaintiff's inverse psoriasis and plantar fasciitis.
- Give further consideration to the treating and examining source opinions, including the evidence provided by David Ruud, M.D., and Leslie Carter Ph.D., pursuant to 20 C.F.R. §§ 404.1527, 416.927, SSRs, and Ninth Circuit case law; and explain the weight given.

- Reevaluate Plaintiff's subjective complaints, and further consider the lay evidence, pursuant to 20 C.F.R. §§ 404.1513, 416.913, and SSR 06-03p, including the information from providers Shae Tangredi, PA; Lisa Popelka, MS; and lay witnesses, Susan Turner, Lisa Stone, and Jeanne Gray.
- Reevaluate Plaintiff's RFC and capacity to perform past relevant work, or other work, at step five of the sequential process, obtaining additional VE testimony if necessary. The ALJ will identify and resolve any conflicts between the occupational evidence provided by the VE and information in the Dictionary of Occupational Titles and the Selected Characteristics of Occupations (SSR 00-4p).

If necessary, the ALJ may request additional evidence from the medical sources, order a consultative examination, or obtain evidence from a medical expert. The ALJ will take any other actions necessary to develop the record.

This case is reversed and remanded on the above grounds pursuant to sentence four of 42 U.S.C. § 405(g), and Plaintiff is entitled to reasonable attorney's fees and costs pursuant to 28 U.S.C. § 2412(d), upon proper request to this Court.

DATED this 20 day of November, 2008.

  
UNITED STATES DISTRICT JUDGE

Presented by:

s/ Richard A. Morris  
RICHARD A. MORRIS  
Special Assistant United States Attorney  
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